

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS & MINING

1588 West North Temple  
Salt Lake City, Utah 84116  
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. 82-5-2-10

From the STATE OF UTAH  
To the Following Permittee or Operator:

NAME CO-OP Mining Company  
MINE Bear Creek Canyon Mine ☐ SURFACE ☒ UNDERGROUND ☐ OTHER \_\_\_\_\_  
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEDERAL ☒ FEE ☐ MIXED  
OSM MINE NO. \_\_\_\_\_ STATE PERMIT NO. ACT/015/025 MSHA I.D. NO. \_\_\_\_\_  
COUNTY AND STATE Emery County, Utah TELEPHONE 748-2777  
MAILING ADDRESS: P.O. Box 1245 Huntington, Utah  
DATE OF INSPECTION December 14, 15, 16, 19 82.  
TIME OF INSPECTION: FROM \_\_\_\_\_ ☐ a.m. to \_\_\_\_\_ ☐ a.m.  
\_\_\_\_\_ ☐ p.m. to \_\_\_\_\_ ☐ p.m.  
NAME OF OPERATOR (if other than permittee) \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is ☐ is not ☒ expressly or in practical effect required by this Notice. For this purpose "Mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated or vacated by written notice of an authorized representative of the Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service ~~March~~ Dec. 16, 1982 John H. Kitehear  
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 2:20 ☐ a.m. ☒ p.m. John J. Whitehead #5  
NAME AND I. D. NO.

Person Served with Notice Dennis White  
PRINT NAME AND TITLE

Signature Dennis White

**IMPORTANT — PLEASE READ REVERSE OF THIS PAGE**

## IMPORTANT — PLEASE READ CAREFULLY

### 1. PENALTIES.

(1) **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon the proposed assessment recommended by the Assessment Officer. You may submit information in writing to the below address pertaining to the violation(s) covered by this Notice within 15 days of the date that the Notice or Order is served on you or your agent. This information will be used by the Assessment Officer in establishing a proposed assessment and will be submitted to the Board for consideration in determining the facts surrounding the violation and the amount of the penalty. The Division or the authorized representative shall serve the proposed assessment on you or your agent within 30 days of the issuance of the Notice or Order by the authorized representative.

(2) **Assessment.** Within 15 days of receipt of the proposed assessment, you or your agent must file a written request for an informal hearing before the Assessment Officer or the penalty will be assessed as proposed.

For each violation included in this Notice, a penalty of up to \$5,000 may be assessed for each day during which the violation continues.

If you fail to abate any of the violations within the time set for abatement or for meeting any interim step you shall be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement and you shall be issued a cessation order requiring you to cease surface coal mining operations.

**2. INFORMAL PUBLIC HEARING.** An informal public hearing will be held at or near the minesite if this Notice requires cessation of mining, expressly or in practical effect. See UMC/SMC 843.15(a). On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it.

If this Notice requires cessation of mining, it will expire within 30 days from the date you have actual notice of this Notice, unless an informal public hearing is held or waived, or the violation is abated, within the 30-day period. You will be notified of the date, time and location of the hearing.

**3. FORMAL REVIEW.** You may apply for review of this Notice or the assessment before the Board of Oil, Gas & Mining by submitting an application for hearing, within 30 days of receipt of this Notice or the assessment by you or your agent, to:

Secretary of the Board  
Board of Oil, Gas & Mining  
1588 West North Temple  
Salt Lake City, Utah 84116

If you apply for a formal Board hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. Procedures for obtaining a formal Board hearing are set forth in the Board's Rules of Practice and Procedure and UMC/SMC Rule 900(b) (ix).

**4. EFFECT ON PERMIT.** If it is determined that a pattern of violations of the Act, regulations, or permit conditions exists, and that the violations were caused by unwarranted failure to comply, or were willful, procedures will be initiated to suspend or revoke your permit to mine.

FOR FURTHER INFORMATION, PLEASE CONSULT Section 40-10-20, 21, 22 and 23, Utah Code Annotated, UMC/SMC Parts 843, 845 and 900, or contact the Division at (801) 533-5771.



DEPARTMENT OF NATURAL RESOURCES - DIVISION OF OIL, GAS, AND MINING  
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STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 1 of 10

Nature of the Violation

Failure to conduct surface coal mining and reclamation  
activities under permits issued pursuant to Chapter 10 of title 40  
UCA 1953 and UMC regulations issued pursuant to that Act.  
Failure to place non-coal waste in a designated portion  
of the permit area

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-9(1)  
UMC ~~817~~ 771.19  
UMC 817.89  
UCA 40-10-20(5)  
UCA 40-10-22(2)(a)(i)

Portion of the Operation to which Notice Applies

Non-coal waste material placed off the permit area on  
the uppermost pad west of the fan. Uppermost pad  
was designated off limits by Board Order from  
October 28, 1982 meeting

Remedial Action Required (including interim steps, if any)

Remove non coal waste material from upper pad and place in a  
designated portion of the permit area for non-coal waste. Obtain  
a Department of Health permit for any future burning of waste.  
Barricade entrance to uppermost pad to assure no further  
activity occurs unless properly permitted.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 2 of 10

Nature of the Violation

Operating without a permit

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-9(1)

Portion of the Operation to which Notice Applies

Area along western side of main access/haul road, approximately 1/4 mile south of scale house; area impacted by placement of mining equipment and machinery.

Remedial Action Required (including interim steps, if any)

Remove all mining equipment and machinery from unpermitted location.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



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STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 3 of 10

Nature of the Violation

Failure to place perimeter markers which clearly mark the perimeter of all areas affected by surface operations or facilities. Failure to maintain at the entrance to surface operations and facilities a clearly visible mine identification sign

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-19 (4)

UMC 817.11(d)

UMC 817.11(c)(1,2,3)

Portion of the Operation to which Notice Applies

Entire operation for perimeter markers.  
Each point of access from public roads for the mine identification sign.

Remedial Action Required (including interim steps, if any)

Post and maintain perimeter markers which clearly mark the perimeter of all areas affected by surface operations or facilities. Markers should be placed so as to allow inspectors clear visibility from one marker to the next. Post and maintain at the entrance to surface operation a mine identification sign with all information required by UMC 817.11(c).

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 4 of 10

Nature of the Violation

Failure to remove, segregate, stockpile and protect  
topsoil before disturbance of areas affected  
by surface operations. occurs

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-17(e)  
Umc 817.21, 22, 23

Portion of the Operation to which Notice Applies

Area along western side of main access/haul  
road approximately 1/4 mile south of scalehouse;  
area impacted by placement of mining equipment  
and machinery

Remedial Action Required (including interim steps, if any)

Remove all mining equipment and machinery  
from the unpermitted storage location.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 5 of 10

Nature of the Violation

Failure to adequately protect topsoil.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-17(e)

UMC 817.23

Portion of the Operation to which Notice Applies

Topsoil stockpile located between the sediment pond and proposed bathhouse pad. Topsoil stockpile located northwest of coal stockpile pad.

Remedial Action Required (including interim steps, if any)

Adequately protect topsoil by implementation of berms and or straw dike filters.

Time for Abatement (including time for interim steps, if any)

30 days no later than January 16, 1983



STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 6 of 10

Nature of the Violation

Failure to conduct underground mining activities so as to minimize changes to the hydrologic balance. Diversion of a perential stream or intermittent stream without Division approval. Failure to conduct surface coal mining operations so as to prevent additional contributions of suspended solids to stream flow.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)

UMC 817.41(a)

UMC 817.44

UMC 817.45

Portion of the Operation to which Notice Applies

Rocks, boulders, soil and other material placed in Bear Creek stream channel as a result of construction activity southwest of the scalehouse area.

Remedial Action Required (including interim steps, if any)

Remove all rocks, boulders, soil and other material in the stream channel as a result of construction activity.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983





STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 7 of 16

Nature of the Violation

Failure to maintain sediment control measures so as to minimize erosion.

Provision(s) of the Regulations, Act, or Permit Violated

UMC 817.45(iii), (e)

Portion of the Operation to which Notice Applies

downslope from crushing and sizing plant pad,  
downslope from coal stockpile pad.  
downslope from proposed bathhouse pad.  
downslope between portal pad and crushing and  
sizing pad.

Remedial Action Required (including interim steps, if any)

Adequately convey undisturbed drainage away from the disturbed  
area so as to minimize erosion on the downslope to the  
extent possible. Adequately convey drainage from above  
noted pads to the sediment pond so as to minimize erosion  
on the downslopes of the pads, by berms and/or, regrading  
and/or diversion ditches.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 8 of 10

Nature of the Violation

Failure to conduct underground coal mining activities  
so as to minimize changes to the hydrologic  
balance.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(j)  
UMC 817.41(a)  
UMC 817.42(a)(1)

Portion of the Operation to which Notice Applies

Area along western side of main access/haul road  
approximately 1/4 mile south of scalehouse; area  
impacted by placement of mining equipment and  
machinery.

Remedial Action Required (including interim steps, if any)

Remove all mining equipment and machinery  
from unpermitted storage location.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



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STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 9 of 10

Nature of the Violation

Failure to maintain diversions in a manner which prevents additional contributions of suspended solids to stream flow. Failure to pass all surface drainage from the disturbed area through a treatment facility before leaving the permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 2(i)(i)

UMC 817.43 (c)

UMC 817.42 (a)(1)

UMC 817.41

Portion of the Operation to which Notice Applies

Disturbed area diversion ditch running from main access/haul road to upper sediment pond. Ditch resides Southeast of lower most developed pad

Remedial Action Required (including interim steps, if any)

Maintain diversions in a manner which prevents additional contributions of suspended solids to stream flow. Assure all surface drainage is passed through a treatment facility before leaving the permit area.

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983



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STATE OF UTAH

Notice of Violation No. N 82-5-2-10

Violation No. 10 of 10

Nature of the Violation

Failure to construct sediment control measures which prevent additional contributions of sediment to runoff outside the permit area. Failure to pass all surface drainage from the disturbed area through a treatment facility before leaving the permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18 (2)(i)(ii)

UMC 817.41

UMC 817.42 (a)(1), (c)

UMC 817.43 (c)

UMC 817.45 (i)

Portion of the Operation to which Notice Applies

(catch basin)  
Diversions and inlets leading to the sediment pond located just southwest of the scale house area (pond is on south<sup>east</sup> side of Bear Creek)

Remedial Action Required (including interim steps, if any)

(Catch basin)  
Construct diversions and inlets to the sediment pond so as to pass all surface drainage from the disturbed area through the pond

Time for Abatement (including time for interim steps, if any)

30 days, no later than January 16, 1983